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June 14, 2021

VIA ECF

Honorable Pamela K. Chen, United States District Judge
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. McMahon, et al.*
Docket No. 21-cr-265

Dear Judge Chen,

As Your Honor is aware, this Firm, along with co-counsel, Brian Neary, represents Defendant Michael McMahon in connection with the above captioned matter. I write, with consent of the Government, to request a brief adjournment of the June 29, 2021 status conference and CIPA conference. As we informed Your Honor's Deputy Clerk, Ms. Abdallah, Mr. Neary and I received an oral argument notice for the Supreme Court of New Jersey, which is to occur in person in Trenton, New Jersey, on June 29, 2021 at 10:00 a.m. for a case in which Mr. Neary represents the defendant and I represent the New State Bar Association as *amicus curiae*, in an emergent appeal regarding the appropriateness of virtual jury selection, as occurred during the pandemic (and, we are concerned, may continue). I apologize for any inconvenience to the Court and counsel; we could not have anticipated the scheduling of this matter, as the New Jersey Supreme Court's term is usually completed by now, and this case is being heard on an emergent basis given its implications for jury trials that are about to re-commence.

As requested by Ms. Abdallah, Mr. Neary, Ms. Conti and I are available on Tuesday, Wednesday and Thursday of the following week (*i.e.*, July 6th through 8th), and Wednesday and Thursday of the week after (*i.e.*, July 14th and 15th), the latter only in the morning. By copy of this letter, I am advising the Government and other defendants of our availability so that they may advise the Court and counsel of their availability on those dates as well.

Of course, if Your Honor has any questions or concerns about this request, please do not hesitate to contact me. Thank you for your very kind consideration of this request.

GIBBONS P.C.

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Respectfully submitted,

s/ Lawrence S. Lustberg
Lawrence S. Lustberg

cc: All counsel of record (via ECF)